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IN THE UNITED STATES PATENT OFFICE

Applicant : BONNEY, Stanley G., et al.
Application No. : 10/031,798
Filed : May 3, 2002
Title : METHOD FOR MAKING A BLISTER PACKAGE

Grp./A.U. : 3721
Examiner : PARADISO, John Roger

Docket No. : PG3681USW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In the Office Action dated June 2, 2004, the examiner issued a Restriction Requirement based on 35 USC 121.

Traverse of Restriction Requirement

This application, however, is a US National Phase of a PCT Application filed under 35 USC 371. Accordingly, PCT "Unity of Invention" practice applies, and not US restriction practice. MPEP Sect. 1893.03(d) states "examiners are reminded that unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage (filed under 35 USC 371) applications. Similar language may be found in 1895.01D.

According to 37 CFR 1.475, the provision governing Unity of Invention in the national phase,

"An international or national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ('requirement of unity of invention'). Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

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37 CFR 1.475(b) states that

(b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: ...

(5) A product, a process specifically adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

MPEP Sect 1893.03(d) provides guidance on making this determination:

"A process is "specifically adapted" for the manufacture of the product if the claimed process inherently produces the claimed product with the technical relationship being presented between the claimed process and the claimed product. The expression "specifically adapted" does not imply that the product could not also be manufactured by a different process.

An apparatus or mean is specifically designed for carrying out the process when the apparatus or means is suitable for carrying out the process with the technical relationship being present between the claimed apparatus or means and the claimed process. The expression specifically does not imply that the apparatus or means could not be used for carrying out another process, nor does it imply that the process could not be carried out using an alternative apparatus or means. "

In this case, Claim 1 recites

1. A method of forming a blister pack comprising contacting a base sheet having a blister pocket containing a product therein with a cover sheet and applying laser energy from a laser to form a hermetically sealing join between said cover sheet and said blister pocket of said base sheet, wherein both the cover sheet and the base sheet comprise at least one layer of metal foil and said join comprises a metal-to-metal join between said metal foil layers.

Claim 82 recites

82. Blister pack formable by the method of claim 1.

These claims, although we believe them to be patentably distinct, include the same special technical feature, i.e., the method of claim 1 produces a particular seal, and that seal is found in the blister pack of claim 82.

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Applying the controlling Sections of the MPEP and PCT, it is submitted that these claims clearly fall within the guidance provided. Claims 1 and 82 are required to be examined together under Unity of Invention standards. Applicant's respectfully Request Reconsider of this determination, and Withdrawal the Restriction Requirement.

Provisional Election of Claims

Pursuant to 37 CFR 1.143, applicant provisionally elects the inventions of Group I, Claims 1-81, in the event that the Restriction becomes final.

It is submitted that the claims are in a condition for allowance. Applicant requests that a timely Notice of Allowance be issued in this case. If any matters exist that preclude issuance of a Notice of Allowance, the examiner is requested to contact the applicant's representative at the number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sections 1.16 and/or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,

Dated: 6/15/2004



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